

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

LUANNE BURKE,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:19-cv-4250
)	
MEIJER STORES LIMITED)	
PARTNERSHIP,)	
)	
Defendant.)	

NOTICE OF REMOVAL

Now comes Defendant, Meijer Stores Limited Partnership (“Defendant”), by counsel and pursuant to 28 U.S.C. §1441 hereby files this Notice of Removal of this action pending before the Superior Court of Hamilton County, Indiana, Cause Number 29D03-1908-CT-008166, to the United States District Court for the Southern District of Indiana. In support thereof, the removing Defendant avers as follows:

1. On September 19, 2019, Plaintiff LuAnne Burke (“Plaintiff”) commenced this action against Defendant by filing her Amended Complaint for Damages (“Complaint”) in Case No. 29D03-1908-CT-008166 in the Superior Court of Hamilton County, Indiana alleging that Defendant was negligent in properly maintaining the lobster tank which leaked water to the floor and failing to adequately warn of or clean up the water on the floor which caused severe and permanent injuries to Plaintiff, requiring services of hospitals, physicians and specialists and continued care.

2. Defendant accepted service of the Summons and Complaint on or about September 19, 2019.

3. In accordance with 28 U.S.C. § 1446(a), copies of all process, pleadings and orders served upon Meijer in the State Court Action are attached hereto as **Exhibit A**.

4. Plaintiff served Responses to Defendant's First Request for Admissions Directed to Plaintiff wherein Plaintiff denies that damages are less than \$75,000.00 and that Plaintiff will be seeking damages in excess of \$75,000.00. Plaintiff's Responses to Defendant's First Request for Admissions is attached hereto as **Exhibit B**.

5. This action involves a controversy between citizens of different states: (a) Plaintiff is a resident and citizen of the state of Indiana; (b) At the time of the commencement of this action Defendant is Limited Partnership formed in the State of Michigan with its principal place of business in the State of Michigan. Defendant's sole General Partner is Meijer Group Inc., which is a foreign for-profit corporation incorporated under the laws of Michigan, and has its principle place of business in the State of Michigan. Meijer Group, Inc. is a wholly owned subsidiary of Meijer, Inc. Meijer Inc. is a Michigan corporation with its principal place of business in the State of Michigan.

6. That this action is one which the District Court of the United States has been given original jurisdiction pursuant to 28 U.S.C. §1332.

7. As required by 28 U.S.C. § 1446(b), this Notice of Removal is being filed within 30 days after Defendant's receipt of information advising that the claim meets the jurisdiction requirements.

8. Pursuant to 28 U.S.C. § 1332(a), this Court has original jurisdiction over this civil action in that it involves a controversy between citizens of different states and the amount in

controversy exceeds \$75,000.00, exclusive of interest and costs. Thus, removal is proper in accordance with 28 U.S.C. § 1441(a).

9. Pursuant to 28 U.S.C. § 1446(d), Defendant is filing a Notice of Filing the Notice of Removal with the Clerk of the Superior Court of Hamilton County, Indiana contemporaneously with the filing of said Notice of Removal in this Court, giving notice to all parties and the State Court. A copy of the Notice of Filing the Notice of Removal (without its exhibits) is attached hereto as **Exhibit C**.

10. Defendant has not filed any responsive pleadings in the State Court Action.

WHEREFORE, Defendant respectfully requests that this action proceed in the United States District Court for the Southern District of Indiana as a removed claim or cause of action under 28 U.S.C. §§, 1332, 1441 and 1446.

Respectfully submitted,

/s/ Pamela A. Paige

Pamela A. Paige (#16163-49)

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 17, 2019, a copy of the foregoing was filed electronically. Notice of this filing will be sent to the following parties by operation of the Indiana E-Filing System. Parties may access this filing through the Court's system:

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/s/ Pamela A. Paige
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